

H. B. 4058

(By Delegates Mahan, Barker, Fleischauer,
L. Phillips and R. Phillips)

[Introduced January 13, 2012; referred to the
Committee on Government Organization then Finance.]

**Interim
Bill**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29, relating to the creation of an equal pay coordinator within the Division of Personnel to ensure pay equity among state employees; making legislative findings; providing qualifications for the position; providing powers and duties of coordinator; providing for the development of a strategic plan to ensure pay equity in state government; authorizing other agencies to share necessary information with the coordinator; and providing rule-making authority.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §29-6-29, to read as follows:

1 **ARTICLE 6. CIVIL SERVICE SYSTEM.**

2 **29-6-29. Equal Pay Coordinator.**

3 (a) Legislative findings - The Legislature finds that despite
4 efforts to alleviate the equal pay disparities of state workers
5 through annual adjustments in compensation to positions reported by
6 the West Virginia Division of Personnel, there is a further need
7 for an office of equal pay coordinator within the division to
8 precisely evaluate, research, monitor and report on this issue and
9 facilitate an effective and efficient strategic plan in resolving
10 pay inequity among state employees.

11 (b) There shall be an equal pay coordinator within the
12 Division of Personnel under the supervision of the Director of the
13 Division of Personnel, and shall be appointed by the Secretary of
14 the Department of Administration.

15 © The coordinator:

16 (1) Shall serve on a full-time basis;

17 (2) May not hold political office in the government of the
18 state either by election or appointment while serving as
19 coordinator;

20 (3) Shall be a citizen of the United States and become a
21 resident of the state within ninety days of appointment; and

22 (4) Is exempt from coverage under classified service as
23 provided in section four, article six, chapter twenty-nine of this

1 code.

2 (d) The coordinator is charged with:

3 (1) Evaluating the current status of pay inequity of state
4 employees, including collaborating with any existing agencies or
5 entities undertaking similar studies which will address pay
6 inequity factors among state employees;

7 (2) Researching different models designed to achieve pay
8 equity for public employees, including initiatives and programs
9 undertaken by other states or public entities;

10 (3) Monitoring all litigation or legal actions resulting from
11 pay inequity of state employees before state courts or
12 administrative tribunals;

13 (4) Reporting to the Joint Committee on Government and Finance
14 and to the Equal Pay Commission annually by December 31 of each
15 calendar year, concerning the status of pay inequity among state
16 employees and any initiatives to resolve such inequity undertaken
17 by executive agencies, and to provide such other information as the
18 committee may request;

19 (5) Developing a strategic plan to address pay inequity among
20 current state employees, as well as future employees. The plan
21 shall include:

22 (A) The current status of pay inequity among state employees;

23 (B) Recommendations of any necessary legislation or policies

1 to be adopted to achieve pay equity; and

2 © A ongoing monitoring schedule to ensure policies adopted by
3 either the agencies affected or the Legislature are sustained;

4 (6) Making any recommendations to the Director of the Division
5 of Personnel for legislative or administrative changes necessary to
6 achieve pay equity among existing or for future state employees.

7 (7) Researching and evaluating classification and compensation
8 issues as deemed necessary, and any other duties deemed necessary
9 by the Director of the Division of Personnel.

10 (e) The coordinator shall have access to such other
11 information, statistics, reports or other data, of a
12 nonconfidential nature, compiled or maintained by other agencies
13 regarding salaries, classifications, qualifications, skills,
14 military service or other factors affecting employment of state
15 employees.

16 The coordinator shall make available to other agencies,
17 including the Equal Pay Commission, any statistics, reports, data
18 or other information of a nonconfidential nature, regarding pay
19 inequity of state employees, upon request, which such availability
20 would foster or improve pay inequity among state employees.

21 (f) Rule making - To implement the provisions of this section,
22 the Director of the Division of Personnel shall propose rules for
23 legislative approval in accordance with article three, chapter

1 twenty-nine-a of this code. This authority shall include emergency
2 rule-making authority pursuant to the provisions of section
3 fifteen, article three, chapter twenty-nine-a of this code.

NOTE: The purpose of this bill is to create an equal pay coordinator within the Division of Personnel to coordinate and monitor efforts to achieve pay equity among state employees.

This section is new; therefore, it has been completely underscored.